Shaping India's Data Protection Regime: DPDP Rules Published

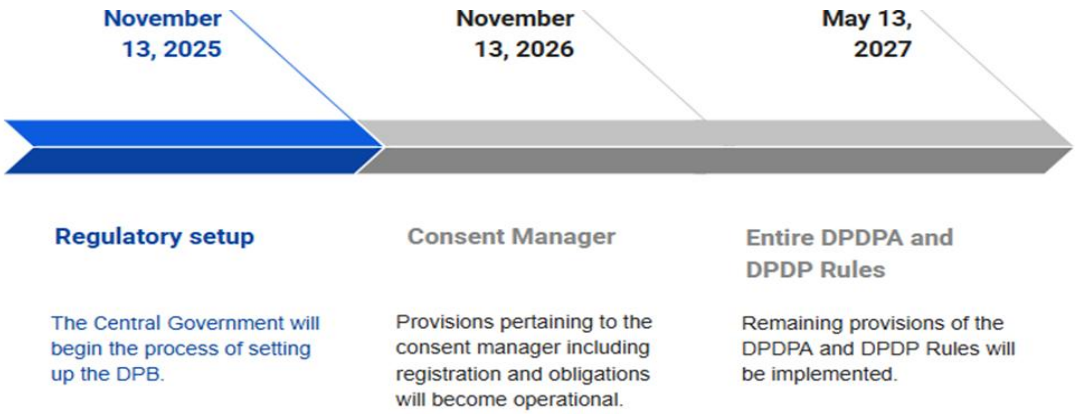
The much-anticipated Digital Personal Data Protection Rules, 2025 (**DPDP Rules**) were published by the Ministry of Electronics and Information Technology (**MeitY**) yesterday. The MeitY had floated the draft rules (***Draft Rules***) in January 2025 and after a round of stakeholder consultations, the DPDP Rules have now been issued in their final form.

In addition to publication of the DPDP Rules, the MeitY also published three other notifications – (i) establishing the Data Protection Board of India (**DPB**) under the Digital Personal Data Protection Act, 2023 (**Act**), (ii) notifying that the DPB shall consist of four members, and (iii) notifying a three-stage commencement timeline: immediate, within one year, and within eighteen months.

Timelines for the Act and the DPDP Rules to take effect

As expected, both the Act and the accompanying DPDP Rules will come into effect in a *phased* manner. It is now clear from these notifications that the entire framework (*i.e.,* the Act and the DPDP Rules) will be fully operationalized over a period of eighteen months from the date of notification, *i.e.,* by **May 13, 2027** (**Notification Date**).

What are the timelines for enforcement?



ELP Comment:

- The Act and the DPDP Rules will be fully effective from May 13, 2027, i.e., eighteen months from the Notification Date. The staggered manner of implementation is an expected and welcome step by the MeitY. This will likely ensure that adequate institutional capacity is put in place, and necessary groundwork is completed before the data principal's rights and data fiduciaries' obligations fully take effect.

- Since the Act and the DPDP Rules lay the foundation for a robust data protection regime in India, the phased implementation is also intended to give data fiduciaries adequate time to design, test, validate and deploy compliant systems and processes.

How different are the DPDP Rules from the Draft Rules?

- **Grievance redressal *(Rule 14(3))***. The DPDP Rules specify an *outer limit of ninety days* in relation to the grievance redressal mechanism.

  ELP Comment: While Rule 14(3) introduces a ninety-day outer limit within the grievance-redressal framework, the drafting leaves the scope of this period unclear. It is not specified whether the ninety-day limit applies to the publication of the grievance mechanism on the website or app, the timeframe for responding to individual grievances, or the period for completing redressal.

- **Storage limitation *(Rule 8(3))***. The Act limits the time period for which a data fiduciary can store personal data. The DPDP Rules require the data fiduciaries to retain personal data, associated traffic data and other logs of processing for a *minimum period of one year* from the date of such processing for the following purposes:

  - To facilitate the State or any of its instrumentalities to act in the interest of sovereignty, integrity, security of the country, performance of any function under any law, or disclosure of information to fulfill any legal obligation.
  - For assessing whether a data fiduciary should be notified as a significant data fiduciary.

  Notably, in the *Draft Rules*, only three categories of data fiduciaries were required to retain the personal data for a specified period (*i.e.*, three years from the date on which the data principal approached the data fiduciary for either performance of the specified purpose, exercise of its rights, or commencement of the DPDP Rules, whichever is the latest):

  - e-commerce entity having not less than two crore (20 million) registered users in India.
  - online gaming intermediary having not less than fifty lakh (5 million) registered users in India.
  - social media intermediary having not less than two crore (20 million) registered users in India.

- **Processing of children's personal data *(Fourth Schedule)***. The exemptions with respect to the requirement of: (i) obtaining verifiable consent from a parent or a lawful guardian for processing children's personal data, and (ii) not undertaking tracking or behavioral monitoring, have now been expanded to include tracking of real-time location for security and protection purposes.

- **Definition of 'person with disability' *(Rule 11(2)(d))***. The criteria for determining a 'person with disability' has been qualified with an additional condition, *i.e.,* a person who is unable to take legally binding decisions despite being provided with adequate and appropriate support.

What does it mean for key stakeholders?

- **Data fiduciaries**. The staggered enforcement of the Act and the accompanying DPDP Rules, culminating in full operationalization by May 2027, means that data fiduciaries will need to establish a structured compliance roadmap aligned fully with the provisions of the Act and DPDP Rules. Compliance with frameworks like the EU's General Data Protection Regulation alone will not suffice and data fiduciaries during the interim may consider taking some steps including:

  - Reviewing and updating existing data privacy policies and accompanying processes to ensure they meet the specific requirements of the Act and DPDP Rules;

- Map personal data flows, establish internal governance and breach-response systems;
- Revisit consent notices and privacy policies to ensure compliance once the Act and DPDP Rules are fully in force; and
- Integrate consent manager frameworks, which shall come into force in the second phase.

- **Data principals**. The rights of data principals will come into effect in the final phase of implementation, at the end of the eighteen-month period. Once these provisions are operational, data principals will have the ability to control and manage how their personal data is processed by data fiduciaries and seek remedies in the event of potential breaches.

- **DPB**. The DPB has been formally established with effect from the Notification Date, marking the first concrete step towards operationalizing the enforcement architecture under the Act. Given that the Act and the DPDP Rules will become operational only after an eighteen-month transition period, the DPB has an interim window to build institutional capacity and develop its internal processes. This period also allows the DPB to issue guidance to help data fiduciaries and consent managers understand and prepare for their obligations. It can also focus on raising awareness of data principals' rights and the mechanisms available to exercise them.

We hope you have found this information useful. For any queries/clarifications please write to us at insights@elp-in.com or write to our authors:

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